Supreme Court, U.S.
FILED
SEP 16 1994
OFFICE OF THE CLERK

No. 94 524

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1993

MONTE LEE,

Petitioner,

vs.

STATE BAR OF CALIFORNIA,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MONTE LEE
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26 pp

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CONTENTS REPRODUCED FROM FURNISHED PRETYPED COPY.

QUESTION PRESENTED

Whether the State Bar of California (as an arm of the State) constitutes an abrogation (destruction or annulling) of the Eleventh Amendment Immunity of the States, 42 U.S.C.A. para. 1983; U.S.C.A. Const. Amend. 11 for defrauding plaintiff and the People of California and engaging in State Bar, lawyer and judge protected crime. They gave protection to a dummy Switzerland Corporation formed by Metro-Goldwyn-Mayer to conceal proceeds, fraud and evade taxes, who sued plaintiff whose advertising campaign already was underway, approximately a year before M.G.M. had a picture, and using the words "Wonderful World of Brothers Grimm" in advertising plaintiff's file "Grimm's Fairy Tales." The dummy corporation was to produce and to deliver to M.G.M. a finished motion picture,

"Wonderful World of Brothers Grimm."

LIST OF ALL PARTIES TO THE PROCEEDING

1. Parties not identified in the caption.

2. United States District Court Judge for the Central District of California Judge Manuel L. Real.

3. Petitioner's attorney Edward Mosk.

4. Justice of California Supreme Court Stanley Mosk.

5. Petitioner's attorneys Law Offices of Joseph L. Alioto, Joseph L. Alioto, Joseph M. Alioto, Lawrence J. Appell.

6. Attorney for Metro-Goldwyn-Mayer Frank Rothman.

7. President Ronald Reagan.

8. United States Attorney General Edwin Meese.

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IN THE

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October Term, 1993

MONTE LEE,

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STATE BAR OF CALIFORNIA,

Respondents.

STATEMENT OF JURISDICTION

The judgment of the United States Court of Appeals for the Ninth Circuit was filed August 4, 1994, and entered by Clerk, U.S. District Court, Central District of California, on August 8, 1994. Certified copy of the Decree of the Ninth Circuit was only sent to the

United States District Court, Central District of California.

A timely petition for rehearing was denied and the suggestion for rehearing en banc was rejected on July 21, 1994. The jurisdiction of this Court is invoked under 28 U.S.C. Section 1254, n.7.

STATEMENT OF THE CASE

FRAUDULENT REPRESENTATION OF STATE BAR OF CALIFORNIA and their refusal to live up to the commitment made by the 27,000 California lawyers through their Board of Governors in a message to all citizens of California in the Los Angeles Times.

"A MESSAGE TO ALL
CITIZENS OF CALIFORNIA
FROM THE UNDERSIGNED
CALIFORNIA LAWYERS - YOU

HAVE A STAKE IN THE INDEPEN-
DENCE OF YOUR COURTS.

"THE JUDICIARY IS NOT, AND SHOULD NOT BE, FREE FROM PUBLIC SCRUTINY. AS PART OF THE FOUNDATION OF OUR FREE SOCIETY THE COURTS MUST BE MAINTAINED AS AN INDEPENDENT AND UNBIASED INSTITUTION. NO CORRUPTION IS TOLERABLE. INCOMPETENCY MUST BE CHALLENGED. IF A JUDGE BE CHARGED WITH CORRUPTION, LET HIM BE NAMED AND THE CAUSE HEARD. IF A JUDGE BE INCOMPETENT, LET HIM BE REMOVED FROM OFFICE BY LAWFUL MEANS. IF A DECISION BE WRONG, NAME AND STATE THE REASONS FOR THE CRITICISM. THESE ARE THE WAYS OF DEMOCRACY."

The message induced attack on judiciary by Petitioner and then State Bar turned around, adopted the policy statement declaring it to be the duty of all members to "defend the courts from improper attack," inducing Petitioner's lawyers and defendant's lawyers for Metro-Goldwyn-Mayer to protect wrongful acts of judges and have the case dismissed on false grounds and then to have judges uphold false dismissal with positive evidence before them that the case was dismissed on false grounds.

President Ronald Reagan and Vice President Bush unlawfully, knowingly, and intentionally used their office and control of Justice Department by Reagan's crony United States Attorney Generals French Smith and Edwin Meese to protect Dummy Corp. formed by Metro-Goldwyn-Mayer to conceal proceeds.

That on May 23 and on May 30, 1987, petitioner turned to Four Hundred Thirty-Five (435) individual members of Congress, One Hundred (100) individual United States Senators, President Ronald Reagan, and Cabinet Members and asked if they would oppose an investigation by a special prosecutor, all to no avail.

CONCEALING A FELONY

In handing down their decision filed August 30, 1991, Browning, Sneed and Norris, Ninth Circuit Judges, overlooked the Ninth Circuit Court of Appeals' offense of Misprision of a Felony, the offense of concealing a felony committed by another. United States v. Perlstein, C.C.A., N.A., 126 F.2d 789, 798, Misprision of a felony is guilty of a federal crime. 18 U.S.C.A. para. 4.

Browning, Sneed and Norris had

positive proof before them that false orders and adverse judgments were handed down by United States District Court Judges for the Central District of California Harry Pregerson and Manuel L. Real.

On October 24, 1991, petition before Browning, Sneed, and Norris, Ninth Circuit Judges, for rehearing was denied and Petitioner's suggestion for rehearing en banc was rejected.

On October 30, 1991, the order filed October 24, 1991, was vacated. The petition for rehearing filed September 12, 1991, remains under submission pending further order of this Court.

On December 26, 1991, from the Clerk of the U.S. District Court, Central District of California, CV 90-3119-R, Petitioner received a Notice of Hearing. Please take notice that the judgment of

the United States Court of Appeals, Ninth Circuit, having been received in the above-entitled matter has been set for hearing on 1/13/92 at 11:00 before Manuel L. Real, United States District Judge, in Courtroom No. 8. It will not be necessary for all counsel to be present at that time.

Rather than appear, I chose to again petition the United States Supreme Court for writ of certiorari, which was denied for the fifth time.

CONCLUSION

For the foregoing reasons, the question presented requires an answer.

For the foregoing reasons, this petition for a Writ of Certiorari should be granted.

DATED: September 14, 1994

Respectfully submitted,

Monte Lee

MONTE LEE

Petitioner IN PRO PER

APPENDIX A

FILED

APR - 2 1993

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

MONTE LEE, Plaintiff, vs. STATE BAR OF CALIFORNIA, Defendant.	)	No. CV 92-7343 RSWL (Ex)
	)	ORDER

Defendant State Bar of Calfiornia has filed a motion to dismiss pursuant to Federal Rules of Procedure 12(b)(1) and 12(b)(6) in the above-captioned action. Plaintiff Monte Lee has opposed the motion. The matter was set for hearing on the Court's law and motion calendar on March 29, 1993, at 9:00 a.m., but was removed

for disposition on the submitted papers pursuant to Federal Rule of Civil Procedure 78.

Now having carefully considered all of the papers filed in support of and in opposition to the motion, the Court hereby issues the following order:

Defendant's Motion to Dismiss is GRANTED for the following reasons:

This Court lacks subject matter jurisdiction over the causes of action filed against the State Bar of California insofar as the Defendant is a state agency immune from liability for money damages under the Eleventh Amendment of the United States Constitution. Lupert v. California State Bar, 761 F.2d 1325, 1327 (9th Cir.), appeal dismissed, 474 U.S. 916 (1985). The Eleventh Amendment limits federal judicial power, Ford Motor Co. v. Department of Treasury, 323 U.S. 459, 466-

67 (1945), and the Eleventh Amendment defense constitutes a jurisdicitonal bar. Edelman v. Jordan, 415 U.S. 651, 678, reh'g denied, 416 U.S. 1000 (1974). Accordingly, the Court finds that it lacks subject matter jurisdiction over Plaintiff's claims against the State Bar of California. Therefore, Plaintiff's First Amended Complaint is **DISMISSED WITH PREJUDICE.**

Defendant's request for sanctions pursuant to Federal Rule of Civil Procedure 11 is **DENIED**

IT IS SO ORDERED.

RONALD S. W. LEW

Ronald S. W. Lew
United States District Judge

DATED: April 2, 1993

CV 92-7343 RSWL (Ex) Monte Lee v. State Bar of California, Defendant's motion to dismiss

APPENDIX B

F I L E D

APR 21 1994

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MONTE LEE, Plaintiff-Appellant, vs. STATE BAR OF CALIFORNIA, Defendant-Appellee.	No. 93-55578 D.C. No. CV-92-07343-RSL(C MEMORANDUM*

Appeal from the United States District Court for the Central District of California Ronald S.W. Lew, District Judge, Presiding

Submitted April 20, 1994**

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* See following page for footnote

** See following pate for footnote

Before: POOLE, BEEZER, and T. G. NELSON, Circuit Judges.

Monte Lee appeals pro se the district court's dismissal for lack of subject matter jurisdiction of Lee's 42 U.S.C. § 1983 action for damages against the State Bar of Caliornia. We have jurisdiction pursuant to 28 U.S.C. §1291, and we affirm.

The Eleventh Amendment generally bars the federal courts from entertaining suits brought by a private party against a state whether the relief sought is

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* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34(a); 9th Cir. R. 34-4.

legal or equitable in nature. Brooks v. Sulphur Springs Valley Elec. Coop., 951 F.2d 1050, 1053 (9th Cir. 1991) cert. denied, 112 S. Ct. 1478 (1992). Accordingly, the State Bar "as an arm of the state, is not subject to suit under the Eleventh Amendment." Ginter v. State Bar of Nevada, 625 F.2d 829, 830 (9th Cir. 1980).

In his complaint, Lee appears to object to a Los Angeles Times advertisement that addressed the issue of independence in the court system. Additionally, Lee appears to claim an injury in relation to litigation involving certain motion picture rights. It is unclear what role the State Bar plays in his action. Nevertheless, because Lee's claims against the State Bar are barred by the Eleventh Amendment, the district court properly dismissed his complaint for lack of subject

matter jurisdiction. See Ginter, 625 F.2d at 830.

AFFIRMED.

APPENDIX C

JUDGMENT

FILED

AUG 4 1994

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

- - - - - -

NO. 93-55578
CT/AG#: CV-92-07343-
RSL (CE)

MONTE LEE

Plaintiff - Appellant

v.

STATE BAR OF CALIFORNIA

Defendant - Appellee

- - - - - - -

APPEAL FROM the United States District Court for the Central District of California, Los Angeles.

THIS CAUSE came on to be heard on the Transcript of the Record from the

United States District Court for the Central District of California, Los Angeles and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court, that the judgment of the said District Court in this cause be, and hereby is AFFIRMED.

Filed and entered April 21, 1994.

INTERNAL USE ONLY: Proceedings include all events. 93-55578 Lee v. State Bar of Calif.

MONTE LEE Plaintiff- Appellant	Monte Lee [COR LD NTC Prs] 1608 No. Cahuenga Hollywood, CA 90028 213/461-3127
v.	
STATE BAR OF CALIFORNIA Defendant- Appellee	Colin P. Wong, dag 415/561-8200 [COR LD NTC dag] STATE BAR OF CALIFORNIA 555 Franklin Street San Francisco, CA 94102